

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|---|---|---------------------------|
| JANIE L. KINSEY, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 2:05-cv-0636-WKW |
| |) | |
| CITIFINANCIAL ASSOCIATES, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

On March 30, 2007, this court issued an order (Doc. # 49) adopting the recommendation of the Magistrate Judge and dismissing the plaintiffs' suit for lack of subject matter jurisdiction. On April 12, 2007, the plaintiffs filed their notice to appeal (Doc. # 51) the dismissal of their case. The appellate court issued its opinion (Doc. # 53) on October 31, 2007, which affirmed this court's order dismissing the plaintiffs' suit. Therefore, in consideration of the plaintiffs' motions and because this case has already been dismissed and closed,¹ it is ORDERED that:

1. Plaintiff Janie L. Kinsey's "Motion to Proceed with the Complaint" (Doc. # 55) is DENIED; and
2. Plaintiff C.H. Kinsey's "Motion to Proceed with the Complaint"

¹ Contrary to the plaintiffs' assertions that the Eleventh Circuit "has remand[ed] this case back to this court to carry out these duties [and] . . . command[ed] this suit to proceed," (Doc. # 55), the appellate court has confirmed the order dismissing the plaintiffs' suit was correct and that this court is without subject matter jurisdiction.

(Doc. # 56) is DENIED.

DONE this 23rd day of April, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE